

Message Text

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PAGE 01 SANA 03115 100506Z
ACTION USIE-00

INFO OCT-01 NEA-10 ISO-00 L-03 OPR-02 /016 W
-----063408 100529Z /10

R 091345Z AUG 77
FM AMEMBASSY SANA
TO SECSTATE WASHDC 2056

UNCLAS SANA 3115

PASS TO USIA FOR INA

E.O. 11652: NA
TAGS: ACLM
SUBJECT: COURT ACTION AGAINST USIS

BEGIN SUMMARY: ACCIDENT INVOLVING USIS VEHICLE HAS RESULTED
IN DEMAND FOR LIABILITY PAYMENT OF \$13,500. END SUMMARY.

1. ON MARCH 23, 1977, USIS FSLE WAS DRIVING OFFICIAL
TOYOTA WHEN IT BROKE DOWN ONE BLOCK FROM PAO HOUSE. HE
WENT TO PAO HOUSE AND REQUESTED THE GATE GUARD, WHO IS ALSO
A MECHANIC OF SOME SKILL, TO FIX THE VEHICLE. IN A WRITTEN
STATEMENT, WHICH WAS ATTESTED BY TWO OTHER WITNESSES,
FSLE SEF SALLAM SPECIFICALLY STATED THAT HE TOLD THE MECHANIC
TO NOT RPT NOT DRIVE THE VEHICLE. ONLY TO GET IT RUNNING.

2. MECHANIC GOT THE VEHICLE RUNNING AND, ON HIS OWN,
DROVE IT BACK TOWARD THE HOUSE. ALTHOUGH DISTANCE WAS SHORT,
HE MANAGED TO RUN INTO MOTOR CYCLE AND SEVERELY INJURE THE
CYCLIST. MECHANIC WAS IMMEDIATELY PUT IN JAIL (WHERE
HE STILL IS) AND EFFORTS MOUNTED TO IMPOUND USIS CAR.

3. USIS ARGUED ORALLY AND IN WRITING WITH
MININTERIOR THAT IS HAS NO RPT NO RESPONSIBILITY
FOR ACCIDENT AND DRIVER, WHO NO RPT NO AUTHORIZED
TO DRIVE. IN THIS WAY WE AVOIDED IMPOUNDMENT OF
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CAR. HOWEVER, AFTER CONTACTING USIS INSURANCE
COMPANY (ARAB COMMERCIAL ENTERPRISES) IT WAS DIS-
COVERED THAT POLICY ONLY COVERS THOSE PERSONS WHO ARE
AUTHORIZED RPT AUTHORIZED TO DRIVE. INSURANCE COMPANY
REFUSED TO GET INVOLVED OR PAY CLAIM.

4. AFTER SOME TIME EMBASSY RECEIVED A NOTE FROM

MINISTRY OF FOREIGN AFFAIRS REQUESTING THAT THE USG (EMBASSY) COMPENSATE THE FAMILY FOR INJURIES RECEIVED. FOREIGN OFFICE TAKES POSITION THAT GIVING KEYS TO GUARD/MECHANIC MAKES US RESPONSIBLE WHEN HE (A POOR MAN) CANNOT PAY DAMAGES. PER THE FOREIGN OFFICE NOTE THE PERSON HAS BEEN CERTIFIED BY DOCTOR HER TO HAVE SUFFERED SEVERE HEAD INJURIES WITH PERMANENT BRAIN DAMAGE. THE CLAIMANT (THE FATHER) IS ASKING FOR APPROXIMATELY DOL 13,500 FOR DAMAGES PLUS REIMBURSEMENT FOR AIR FARE TO AND FROM CAIRO WHERE THE INJURED PERSON HAS BEEN TAKEN FOR TREATMENT. SUM IS ALMOST THE FIXED AMOUNT REQUIRED FOR BLOOD MONEY IN CASE OF DEATH OF PEDESTRIAN. FOREIGN MINISTRY NOTE IS BACKED BY DECISION OF LOCAL RELIGIOUS COURT, WHICH HAS JURISDICTION IN CIVIL PENALTY CASES THIS SORT.

5. WE HAVE CONSIDERED OUR CHOICES CAREFULLY. WE COULD CONTEST FOREIGN OFFICE NOTE AND COURT DECISION ON NUMBER OF GOUNDS. WE COULD INSIST WE ARE NOT RESPONSIBLE FOR MECHANIC'S ACTION. WE COULD INSIST THAT DECISION OF COURT WHICH WE NOT ABLE TO ATTEND IS NOT BINDING. WE COULD SUE INSURANCE COMPANY TO TRY MAKE THEM TAKE RESPONSIBILITY FOR DRIVER IF GOVERNMENT BURDENS US WITH THAT RESPONSIBILITY AS MATTER OF LAW.

6. OUR VIEW, HOWEVER, IS COLORED BY EXPERIENCE OF UNCLASSIFIED

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FOREIGNERS IN YEMEN IN SUCH CASES. YEMENI PLAINTIFF AGAINST FOREIGNER IN TRAFFIC ACCIDENT HAS ALWAYS RPT ALWAYS WON AND OUR INITIAL EFFORTS OVER PAST FOUR MONTHS ALONG LINES PARA 5 HAVE PREDICTABLY BEEN REJECTED. WE ARE NOT IN LEAST ATTRACTED TO ENDLESS LIGATION AND OFFICIAL HARASSMENT WHICH USUALLY ACCOMPANIES DISPUTED CASE. WE ARE ALSO TROUBLED BY FACT THAT WE DON'T KNOW WHERE OUR LIABILITY MIGHT END IN CASE OF PLAINTIFF WHO HAS NOT DIED BUT IS PERHAPS INCAPACITATED FOR LIFE. ON BALANCE, WHAT WE WANT TO DO IS TO MAKE PAYMENT WHILE WE CAN AND FINAL SETTLEMENT AND CONSENT TO QUIT FROM PLAINTIFF.

7. WE PROPOSE THAT WE RETURN TO FOREIGN MINISTRY WITH REQUEST IT FORWARD TO CLAIMANT'S FATHER PROPOSAL TO MAKE FLAT PAYMENT OF \$9,000 AS FINAL SETTLEMENT, SUGGESTING THAT WE MIGHT OTHERWISE HAVE TO DISPUTE CLAIM LENGTHILY, SOMETHING WE DON'T WANT TO DO WHEN INJURY IS SO SEVERE AND NEED SO GREAT. OUR OBJECT WOULD, OF COURSE, NOT BE LENGTHY LEGAL DISPUTE, BUT EARLY SETTLEMENT AT LOWER RATE.

8. REQUEST APPROVAL.

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Sent Date: 09-Aug-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
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Disposition Event:
Disposition History: n/a
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Subject: COURT ACTION AGAINST USIS BEGIN SUMMARY: ACCIDENT INVOLVING USIS VEHICLE HAS RESULTED IN DEMAND FOR LIABILITY PAYMENT OF \$13,500. END SU
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Type: TE
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